

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SCIELE PHARMA, INC. and	)	
SCIELE PHARMA CAYMAN LTD.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No. 07-664 GMS
	)	
MYLAN PHARMACEUTICALS, INC. and	)	
MYLAN LABORATORIES, INC.,	)	
	)	
Defendants.	)	

**STIPULATION AND ORDER TO DISMISS**

WHEREAS Plaintiffs Sciele Pharma, Inc. and Sciele Pharma Cayman Ltd. (collectively, “Sciele”) filed a complaint for infringement of U.S. Patent No. 4,892,741 (“the ’741 Patent”) against Defendants Mylan Pharmaceuticals, Inc. and Mylan Laboratories, Inc. (collectively, “Mylan”) on October 22, 2007;

WHEREAS Mylan filed an answer and counterclaim, along with a Rule 12(b)(1) Motion to Dismiss Sciele’s Complaint for Lack of Standing and Subject Matter Jurisdiction, on December 18, 2007;

WHEREAS a hearing on Mylan’s Rule 12(b)(1) Motion to Dismiss was scheduled for June 4, 2008;

WHEREAS the ’741 Patent, the only patent-in-suit, will expire on June 8, 2008;

WHEREAS, on May 9, 2008, Sciele and Mylan informed the Court by letter of their desire to dismiss their respective claims, counterclaims, and defenses in the above-captioned matter on June 8, 2008;

NOW, THEREFORE, Sciele and Mylan, by and through their respective counsel, hereby stipulate as follows:

1. Mylan withdraws its Rule 12(b)(1) Motion to Dismiss Plaintiffs’ Complaint for Lack of Standing and Subject Matter Jurisdiction;

2. Sciele and Mylan withdraw their requests for an oral hearing on Defendants' Rule 12(b)(1) Motion to Dismiss Plaintiffs' Complaint for Lack of Standing and Subject Matter Jurisdiction;
3. Pursuant to Fed. R. Civ. P. 41, Sciele and Mylan agree that all claims, counterclaims, and defenses in the above-captioned matter shall be dismissed without prejudice, effective June 8, 2008; and
4. Sciele and Mylan agree that each party shall bear its own costs and attorneys' fees in connection with the above-captioned matter.

/s/ William J. Marsden Jr.  
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Attorneys for Defendants  
Mylan Pharmaceuticals, Inc. and  
Mylan Laboratories, Inc.

SO ORDERED this 8th day of June, 2008.

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United States District Court Judge